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STATE OF CALIFORNIA
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF:	}	ADMINISTRATIVE DECISION PURSUANT TO
TRINIE SUBIA, OWNER AND		STIPULATION FOR ISSUANCE OF
OPERATOR,		ADMINISTRATIVE DECISION
d/b/a TRINIE'S TIRE DISPOSAL		OAH No. N2005060119
TPID NO: 1003504-01		CIWMB No: 2005-02-AC
RESPONDENT		

The California Integrated Waste Management Board ("CIWMB") served an Administrative Complaint and Request for Hearing form on Trinie Subia, Owner and Operator d/b/a Trinie's Tire Disposal, RESPONDENT, on June 23, 2005. RESPONDENT filed a Request for Hearing, and subsequently negotiated a settlement agreement with the CIWMB prior to hearing. Pursuant to the "Stipulation for Issuance of Administrative Decision" dated August 4, 2005, entered into by and between the CIWMB and RESPONDENT and good cause appearing therefore, the following Stipulated Factual Findings and Conclusions of Law are made, and the following Stipulated Order is issued:

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STIPULATED FACTUAL FINDINGS

1. The Administrative Complaint was executed by WENDY BRECKON, Staff Counsel, CIWMB, acting in her official capacity.

2. TRINIE SUBIA, owner/operator of TRINIE'S TIRE DISPOSAL, is responsible for the transportation of waste tires by a person not holding a valid waste tire hauler registration from the CIWMB.

3. The CIWMB has authority to regulate and conduct enforcement actions regarding Waste Tire Haulers within the State of California under PRC section 42950 et seq. and attendant regulations contained in Title 14 of the California Code of Regulations (CCR).

4. On January 9, 1998, TRINIE SUBIA, Owner and Operator of TRINIE'S TIRE DISPOSAL, first became registered as a Waste Tire Hauler with the CIWMB. The hauler registration number issued to him was 0812 and effective July 1, 2003 became TPID 1003504-01. TRINIE'S TIRE DISPOSAL has renewed annually since the initial registration date.

5. On September 24, 2004, TRINIE'S TIRE DISPOSAL was cancelled by the CIWMB for not maintaining an active Waste Tire Surety Bond. A CIWMB cancellation notice was sent to RESPONDENT by the CIWMB (certified mail #7002 2410 0001 6013 6827), informing RESPONDENT that their Bond had been cancelled and they were not to haul any waste or used tires until they renewed their registration and bond. MR. CAMBRIDGE received evidence that the cancellation notice was received and signed for by TRINIE SUBIA or his agent on September 27, 2004.

On March 24, 2005, KEITH E. CAMBRIDGE, Program Manager of the CIWMB Waste Tire Hauler Registration and Manifest Program received an application from TRINIE'S TIRE DISPOSAL for their waste tire hauler registration for the 2005 calendar year. The application was not accompanied by a Waste Tire Surety Bond as required. CIWMB staff left telephone messages on two separate occasions informing RESPONDENT that the CIWMB was in receipt of the renewal application but that a Waste Tire Surety Bond was also required to renew the registration. No phone calls were ever returned by RESPONDENT.

1 A review by Mr. CAMBRIDGE using information provided by the Waste Tire
2 Management System (WTMS), the system maintained by the CIWMB in its regular course of
3 business to track tire hauler manifests, indicates that RESPONDENT continued to haul waste
4 or used tires after being cancelled on September 24, 2004 and prior to registration renewal.
5 MR. CAMBRIDGE has identified manifests that were submitted to the CIWMB showing this
6 waste tire hauler continued to conduct business transactions in complete disregard of the
7 waste tire hauler registration requirements. Between October 2004 and February 2005,
8 TRINIE'S TIRE DISPOSAL picked up waste tires on more than 180 occasions. The following
9 manifests show the larger tire transactions of 300 waste tires or more during this time period:

<u>Manifest Number</u>	<u>Number of Tires Picked up</u>
M8-1419765	350
M1-1419767	356
M5-1419804	341
M2-1419818	734
M1-1419833	354
M1-1419858	498
M4-1419877	345
M9-1419915	394
M1-1419924	336
M2-1419933	457
M4-1419935	396
M1-1419965	300
M7-1419970	368
M3-1513407	288
M9-1513981	340
M5-1513986	310
M8-1513997	310
M3-1789162	307

22
23 On March 24, 2005, MR. CAMBRIDGE telephoned both the general number and a cell
24 phone number for TRINIE'S TIRE DISPOSAL. Mr. CAMBRIDGE left a phone message, at
25 both numbers, advising TRINIE'S TIRE DISPOSAL that: 1) they were not currently registered;
26 2) they needed to submit a Waste Tire Surety Bond to reactivate their hauler registration; and
27 3) they were not allowed to haul waste or used tires until they became registered and received
28 the 2005 decal(s) and registration certificate(s).

6. On March 30, 2005, Laura Niles of the CIWMB Waste Tire Enforcement Section and Stan Chau of the County of Santa Clara, Department of Environmental Health accompanied the California Highway Patrol (CHP) on a vehicle surveillance check point located at the Pacheco Pass Landfill in Santa Clara County. The CIWMB and CHP conduct these routine surveillance check points to determine compliance with the waste tire hauler community. During this particular check point, RESPONDENT was identified hauling approximately 440 waste tires to the Pacheco Pass Landfill in his vehicle (Cal #7C47073) which did not have a current CIWMB registration or decal. RESPONDENT was cited by the CHP for violations of California Vehicle Code, section 31560. An inspection report was issued to RESPONDENT by Mr. Chau advising RESPONDENT to obtain registration by April 30, 2005 (this inspection report did not allow RESPONDENT to haul tires unregistered until this date, rather to become a registered hauler).

7. On April 4, 2005, MR. CAMBRIDGE received a call from a waste tire generator who asked if the RESPONDENT was currently registered for the 2005 calendar year. MR. CAMBRIDGE informed the caller that RESPONDENT was not currently registered and not to release any waste tires to him, adding if RESPONDENT had any questions to call MR. CAMBRIDGE. Within one-half hour of the call, RESPONDENT contacted the CIWMB waste tire hotline and requested to speak to MR. CAMBRIDGE. RESPONDENT informed MR. CAMBRIDGE that he had been stopped by Mr. Chau and Ms. Niles during the prior week and was advised that he had one month to get re-registered and was under the impression that he could still haul waste or used tires until that time. MR. CAMBRIDGE informed RESPONDENT that he was not allowed to haul any waste or used tires until such time as he renewed his hauler registration and submitted a new Waste Tire Surety Bond. MR. CAMBRIDGE added that he (RESPONDENT) was told this by MR. CAMBRIDGE two weeks prior on their answering machine.

8. On May 5, 2005, RESPONDENT submitted a valid Waste Tire Surety Bond to re-activate his CIWMB Waste Tire Hauler Registration.

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1 **STIPULATED LEGAL CONCLUSIONS**

2 9. TRINIE SUBIA d/b/a TRINIE'S TIRE DISPOSAL is in violation of PRC section
3 42951, which makes it unlawful, on or after January 1, 1995, to engage in the transportation of
4 waste tires unless holding a valid Waste Tire Hauler Registration, unless exempted as
5 specified in PRC section 42954.
6

7 10. The CIWMB's authority to assess civil penalties against TRINIE SUBIA d/b/a
8 TRINIE'S TIRE DISPOSAL as a waste tire hauler, is set forth in PRC section 42962 and in
9 Title 14 of the California Code of Regulations section 18464.

10 11. 14 California Code of Regulations section 18464, the waste and used tire hauler
11 penalty tables, demonstrate that the negotiated penalty of \$10,000 (Ten Thousand Dollars),
12 with \$8,000 (Eight Thousand Dollars) stayed for two (2) years, is within CIWMB's discretion.
13

14 **ORDER**

15 Good cause appearing, Complainant's motion to take action in accordance with the
16 provisions of Government Code Section 11520, subdivision (a) is granted.

17 THE FOLLOWING ORDER is hereby made:

18 RESPONDENT, is ordered to pay an administrative penalty of \$2,000.00 (Two-
19 thousand dollars) to the CIWMB. RESPONDENT shall make ten payments in the sum of
20 \$200.00 (Two Hundred Dollars) on the first day of each month for a period of 10 (ten) months,
21 commencing on October 1, 2005. Interest shall accrue at the rate of 10% per year beginning
22 30 (thirty) days after the CIWMB's Decision in this matter.

23 This DECISION shall become effective 9/20/05.

24 Dated this 20th day of September, 2005

25 
26 ROSARIO MARIN
27 Chair
28 CALIFORNIA INTEGRATED WASTE
MANAGEMENT BOARD